UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,301	08/01/2003	Esteban Sardera	MS1-1365US	3666

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/632,301	SARDERA, ESTEBAN
	Examiner	Art Unit
	Olugbenga O. Idowu	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _01 August 2003_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-75_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-75_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _01 August 2003_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _8/1/2003_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to application number 10/632 301 filed on

8/1/2003. Claims 1 – 75 have been examined and are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3.   Claims 1-3, 6-24, 28 – 47, 51 – 66, 69 - 75 are rejected under 35 U.S.C.

103(a) as being unpatentable over Plotnick, publication number: US

20050097599 A1, in view of Barton, publication number: US 20050273828.

As per claims 1, 6, 7, 22, 45, 62, 63 and 64, Plotnick teaches a media content

playback system, comprising:

one or more audio components configured to render media content as

audio (PVR [0099]); a playback application configured to: receive a media

content navigation input (PVR allowing user to pause and fastforward, [0099],

lines 5 - 14); and obtain an advertisement to be rendered based on the media

content navigation input (insertion of ads, [0122], [0158], displaying alternate

ads based on trickplay [0169], lines 4- 8).

Plotnick does not teach displaying a navigation indicator.

In an analogous art, Barton teaches generating a navigation indicator for display, the navigation indicator corresponding to the media content navigation input (Fig. 4 shows navigation indicator overlaid on media, [0031])

Therefore, it would have been obvious to one of ordinary skill in the art to modify Plotnick's alternate advertising system by including a navigation overlay, as described in Barton's video recording enhancement system, for the advantages of visualizing actions performed by user

As per claims 2, 3, 23, 24, 46, 47, 65 and 66 the combination of Plotnick and Barton teach a media content playback system further comprising one or more audio components configured to render the advertisement as an audible message (Plotnick: playing audio of advertisement, [0170], lines 11 - 20).

As per claims 9, 10, 51, 52 and 69, the combination of Plotnick and Barton teach a media content playback system wherein:

the graphics processor is further configured to process the media content to display a program on a display device (Plotnick: PVR [0099]);

the playback application is further configured to: receive the media content navigation input as at least one of a command to play the program, skip-ahead in the program, skip-back in the program, pause the program, and stop the program (Plotnick: PVR allowing user to pause and fastforward, [0099], lines 5 - 14);

generate a navigation indicator for display over the program on the display

device (Barton: Fig. 4 shows navigation indicator overlaid on media, [0031]);

and

obtain the advertisement for display over the program on the display

device while the navigation indicator is displayed (insertion of ads, [0122],

[0158]).

As per claims 11 and 30, the combination of Plotnick and Barton teach a media

content playback system wherein the playback application is further configured

to obtain the advertisement from an advertisement data store (Plotnick: ads

taken from storage for presentation, [0149], lines 7 - 9).

As per claims 12 and 31, the combination of Plotnick and Barton teach a media

content playback system wherein the playback application is further configured

to obtain the advertisement from a content provider (ads received from an ad

feed, [0149], lines 7 - 9).

As per claim 13, the combination of Plotnick and Barton teach a media content

playback system wherein the playback application is further configured to obtain

the advertisement from program guide data (Plotnick: STB helping to receive

ads based on ads appropriate to current viewers, [0149], lines 3 - 7).

As per claims 14, 29 and 70, the combination of Plotnick and Barton teach a

media content playback system further comprising a cache configured to

maintain the advertisement when received as additional content integrated with

the media content, and wherein the playback application is further configured to

obtain the advertisement from the cache to render the advertisement (receiving,

storing and presenting ads, [0149], lines 7 - 9).

As per claims 15, 32, 54 and 71, the combination of Plotnick and Barton teach a

media content playback system further comprising a cache configured to

maintain an index to the advertisement (Plotnick: ad queue containing pointer,

[0139], lines 6 - 8), and wherein the playback application is further configured to

utilize the index to obtain the advertisement from an advertisement data store to

render the advertisement (Plotnick: ARLs used to obtain ads, [0139], lines 8 -

11).

As per claims 16, 36, 55, 57, 72 and 74, the combination of Plotnick and Barton

teach a media content playback system further comprising a cache configured

to maintain an index to the advertisement (Plotnick: ad queue containing pointer,

[0139], lines 6 - 8), and wherein the playback application is further configured to

utilize the index to obtain the advertisement from a content provider to render

the advertisement (Plotnick: ARLs used to obtain ads, [0139], lines 8 - 11).

As per claims 17, 41, 56 and 58, the combination of Plotnick and Barton teach a

media content playback system further comprising:

an advertisement store configured to maintain the advertisement (storing ads,

[0149], lines 7 - 9);

a cache configured to maintain an index to the advertisement, the index

received with the media content (Plotnick: ad queue containing pointer, [0139],

lines 6 - 8); and wherein the playback application is further configured to utilize

the index to obtain the advertisement from the advertisement store to render the

advertisement (Plotnick: ARLs used to obtain ads, [0139], lines 8 - 11).

As per claims 18, 39, 44, 59 and 75, the combination of Plotnick and Barton

teach a media content playback system further comprising an advertisement

store configured to maintain one or more advertisements (storing ads, [0149],

lines 7 - 9), and wherein: the graphics processor is further configured to process

the media content to display a program on a display device (displaying alternate

ads based on trickplay [0169], lines 4- 8); and the playback application is further

configured to obtain the advertisement from the one or more advertisements

based on at least one of a time of day, a type of the program, and a program

channel on which the program is broadcast (selecting ads based on current

session, [0158].

As per claims 19, 37, 38, 42, 43, 53 and 73, the combination of Plotnick and

Barton teach a media content playback system further comprising:

an advertisement store configured to maintain one or more advertisements (storing ads, [0149], lines 7 - 9); a cache configured to maintain a playlist that designates an order in which the one or more advertisements are to be rendered (Plotnick: ad queue, [0139], lines 6 - 8); and wherein the playback application is further configured to obtain the advertisement from the one or more advertisements according to the playlist (Plotnick: obtaining ads, [0139], lines 6 - 11).

As per claims 20 and 21, the combination of Plotnick and Barton teach a television-based client device comprising the media content playback system as recited in claim 1 (PVR [0099]).

As per claim 28, the combination of Plotnick and Barton teach a media content playback system wherein: the one or more audio components are further configured to render the media content as music (Plotnick: playing audio of advertisement, [0170], lines 11 - 20); and the playback application is further configured to receive the media content navigation input as at least one of a command to play the music, skip-ahead in the music, skip-back in the music, pause the music, and stop the music (Plotnick: PVR allowing user to pause and fastforward, [0099], lines 5 - 14).

As per claims 33 and 34, the combination of Plotnick and Barton teach a

portable client device comprising the media content playback system as recited

in claim 22 (PVR [0099]).

As per claims 35 and 40, Plotnick teaches a content provider, comprising:

an advertisement data store configured to maintain one or more

advertisements corresponding to media content navigation (Plotnick: storing

ads, [0149], lines 7 – 9, storing ads that correspond to mode of play, [0174],

lines 5 - 12);

an advertisement distribution application configured to: receive a request

for an advertisement associated with a media content navigation input (Plotnick:

presenting alternate ads based on trickplay mode, [0174], lines 12 - 20);

obtain the advertisement from the advertisement data store (Plotnick:

ARLs used to obtain ads, [0139], lines 8 - 11); and

communicate the advertisement to a client device for display (Plotnick:

insertion of ads, [0122], [0158], displaying alternate ads based on trickplay

[0169], lines 4- 8)

Plotnick does not teach displaying a navigation indicator that corresponds to the

media content navigation.

In an analogous art, Barton teaches generating a navigation indicator for

display, the navigation indicator corresponding to the media content navigation

input (Fig. 4 shows navigation indicator overlaid on media, [0031])

Therefore, it would have been obvious to one of ordinary skill in the art to modify

Plotnick's alternate advertising system by including a navigation overlay, as

described in Barton's video recording enhancement system, for the advantages

of visualizing actions performed by user

As per claims 60 and 61, the combination of Plotnick and Barton teaches further

comprising: receiving an additional media content navigation input; displaying an

additional navigation indicator corresponding to the additional media content

navigation input; and rendering a second advertisement while the additional

navigation indicator is displayed. (Plotnick: generating different alternate ads for

different trickplay actions, [0141], lines 10 – 14, Fig. 4 shows navigation

indicator overlaid on media, [0031])

4.   Claims 4-5, 25 – 27, 48 – 50 and 67 - 68 are rejected under 35 U.S.C.

103(a) as being unpatentable over Plotnick, publication number: US

20050097599 A1, in view of Barton, publication number: US 20050273828 A1 in

further view of Unger, patent number: US 6909837 B1.

As per claims 4, 5, 25, 26, 48, 49, 67 and 68 the combination of Plotnick and

Barton teach a system that displays alternate advertising.

The combination does not teach the ad being an animated logo.

In an analogous art, Unger teaches a media content playback system wherein

the graphics processor is further configured to process advertisement data to

display the advertisement as an animated logo (advertising being a logo, col. 5,

lines 54 – 62, multiple static images interpreted as animation col. 6, lines 1 - 8).

Therefore, it would have been obvious to one of ordinary skill in the art to modify

the combination of Plotnick and Barton by making the substitute ad an animated

logo, as described in Unger's alternative advertising system, for the advantages

of quick and easy recognition of sponsors.

As per claims 8, 27 and 50 the combination of Plotnick and Barton teach a

system that displays an alternate version of an advertisement with audio.

The combination does not teach the alternate version being a logo.

In an analogous art, Unger teaches a media content playback system further

comprising one or more audio components configured to render audio, and

wherein:

     the advertisement includes a logo(Unger: advertising being a logo, col. 5,

lines 54 – 62) and corresponding audio; the graphics processor is further

configured to process advertisement data to display the logo (Unger: outputting

static frame, col. 5, lines 50 - 54); and the one or more audio components are

further configured to render the corresponding audio while the logo is displayed

(Plotnick: playing audio and alternate advertisement, [0170], lines 11 - 20).

Therefore, it would have been obvious to one of ordinary skill in the art to modify

the combination of Plotnick and Barton by making the substitute ad an animated

logo, as described in Unger's alternative advertising system, for the advantages

of quick and easy recognition of sponsors.

Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Olugbenga O. Idowu whose telephone

number is 571 270 1450. The examiner can normally be reached on Monday to

Friday, 7am -5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Christopher Grant can be reached on 571 272 7294. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

O.I.

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